

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

STACY DIONNE STENSON

vs.

DOLLAR GENERAL CORP.  
DOLGEN CORP OF TEXAS, INC.  
d/b/a DOLGEN CORP TEXAS INC. #14492  
d/b/a Dollar General, and ARC DGTXRT001 LLC

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CIVIL ACTION

NO. \_\_\_\_\_

JURY

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Dollar General Corporation (“Dollar General”), Dolgen Corp of Texas, Inc. d/b/a Dolgen Corp Texas Inc. #14492 d/b/a Dollar General (“Dolgencorp”), and ARC DGTXRT001, LLC (“ARC”), the Defendants herein, respectfully submit the following notice of removal.

**I.**

Dollar General, Dolgencorp and ARC are Defendants in litigation now pending in the 102nd District Court of Bowie County, Texas, Cause No. 21C0005-102, styled “*Stacy Dionne Stenson v. Dollar General Corp., Dolgen Corp of Texas, Inc. d/b/a Dolgen Corp Texas Inc. #14492 d/b/a Dollar General, and ARC DGTXRT001 LLC*” The suit filed against the Defendants is a civil action seeking damages for alleged personal injury arising from an incident that occurred on September 2, 2019, at a Dollar General store in Texarkana, when a customer’s car accelerated, jumped the curb and allegedly struck Plaintiff, who was walking on the sidewalk in front of the store.

## II.

Both at the time of the filing of Plaintiff's Original Petition and at the time of the filing of this Notice of Removal, Plaintiff was, is, and continuously has been an individual citizen of the State of Texas with her place of residence in the State of Texas.

Both at the time of filing Plaintiff's Original Petition and at the time of the filing of this Notice of Removal, Defendants Dollar General and Dolgencorp were, are, and continuously have been corporations organized and existing under the laws of the State of Tennessee and having their principal place of business in the State of Tennessee.

On December 31, 2017, prior to the incident made the basis of this lawsuit and prior to the time of filing of Plaintiff's Original Petition, Defendant ARC was merged with and into VEREIT Real Estate, L.P., at which time ARC ceased to exist as an independent legal entity. Both at the time of filing Plaintiff's Original Petition and at the time of the filing of this Notice of Removal, Defendant VEREIT Real Estate, L.P. was, is, and continuously has been a Limited Partnership organized and existing under the laws of the State of Delaware and having its principal place of business in Arizona. The General Partner of VEREIT Real Estate, L.P. is VEREIT Real Estate GP, LLC,<sup>1</sup> which is a Limited Liability Company incorporated in the state of Delaware and with its principal place of business in Arizona.<sup>2</sup> There is, therefore, complete diversity of citizenship between the parties.

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<sup>1</sup> The sole member of VEREIT Real Estate GP, LLC is VEREIT Operating Partnership, L.P. No member or partner in either entity is a corporate or individual citizen of the state of Texas.

<sup>2</sup> Although it is not completely clear that the citizenship of the limited partner is relevant for diversity purposes, *Colonial Realty Corp. v. Bache & Co.*, 358 F.2d 178 (2d Cir.), *cert denied*, 385 U.S. 817 (1966), the limited partner of VEREIT Real Estate, L.P. is VEREIT Operating Partnership, L.P., which is a Limited Partnership created under the laws of the State of Delaware with its principal place of business in Arizona. No member or partner in either entity is a corporate or individual citizen of the state of Texas.

### **III.**

The amount in controversy in this matter, exclusive of interest and costs, exceeds the sum or value of \$75,000, as evidenced by the allegation in paragraph I. on page 1 of Plaintiff's Original Petition, wherein Plaintiff expressly alleges that she seeks recovery against Defendants for "monetary relief over \$200,000.00 but not more than \$1,000,000.00."

In addition, Plaintiff alleges on pages 5 and 6 of her Original Petition that she "suffered severe injuries and damages," which includes the following categories of alleged damages:

- a. Medical expenses incurred in the past and in reasonable probability to be incurred in the future;
- b. Physical Pain and mental anguish incurred in the past and in reasonable probability to be incurred in the future;
- c. Disfigurement incurred in the past and in reasonable probability to be incurred in the future; and
- d. Physical impairment incurred in the past and in reasonable probability to be incurred in the future.

Consequently, Defendants submit that it is apparent from the face of Plaintiff's Original Petition that the amount in controversy in this case is in excess of \$75,000.

### **IV.**

This Court has jurisdiction and this action is properly removable based upon diversity of citizenship under 28 U.S.C. §1332, et seq. Pursuant to 28 U.S.C. § 1664, Defendants have removed this action to this Court within the time specified by law.

V.

Pursuant to Local Rule CV-81(c), attached hereto are (1) an index of all attached documents, (2) a list of all parties in the case, their party type and current status of the removed case (pending), (3) a certified copy of the Docket Sheet in the State Court action, (4) all pleadings (excluding discovery material) filed in the State Court action, Cause No. 21C0005-102, in the 102nd District Court of Bowie County, Texas, (5) a complete list of all attorneys involved in the action, (6) a record of which parties have requested trial by jury, and (7) the name and address of the court from which the case has been removed.

**PRAYER FOR RELIEF**

Wherefore, premises considered, Defendants pray that the action now pending in the 102nd District Court of Bowie County, Texas be removed to this, the United States District Court for the Eastern District of Texas, Texarkana Division.

Respectfully submitted,

BY: \_\_\_\_\_



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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

On February 19, 2021, I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Eastern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

A handwritten signature in blue ink, appearing to read "Michael A. Hummert", with a stylized flourish at the end.

MICHAEL A. HUMMERT